

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, January 7, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, R. Hall, K. Holt, P. Plante, G. Zimmer

Members absent: P. Kochenburger, B. Ryan

Alternates present: M. Beal, L. Lombard, B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 8:49 p.m. He appointed Alternates Beal and Lombard to act in members' absence.

Holt MOVED, Gardner seconded, to add to the agenda under New Business Item #5, Packet Delivery. MOTION PASSED UNANIMOUSLY.

Minutes: 12/17/07- Hall MOVED, Holt seconded, to approve the 12/17/07 minutes as written. MOTION PASSED with all in favor except Plante, Goodwin and Gardner who disqualified themselves.

#### Public Hearing Continuation:

Subdivision Application (Arthur's Pond) 7 Proposed lots off of N. Eagleville and Separatist Roads.

File #1266

Chairman Favretti opened the continued Public Hearing at 8:51 p.m. and noted that the information presented during the Inland Wetlands Agency Public Hearing for Arthur's Pond will be entered into the record for this PZC Hearing. Members present were R. Favretti, B. Gardner, J. Goodwin, K. Holt, P. Plante, G. Zimmer and Alternates M. Beal, L. Lombard, B. Pociask. Favretti appointed Lombard to act because Hall disqualified himself, Pociask to act in the absence of Kochenburger and Beal to act in the absence of Ryan. Padick noted the following communications received and distributed to all members of the Commission:

- 12-18-07 Letter from Mary-Ann Haverstock, CT. DEP
- 12-18-07 Supplementary comments on Arthur's Pond from O.S.P.C.
- 12-20-07 Written Testimony re: Arthur's Pond from Mansfield Conservation Commission
- 1-2-08 memo from Patricia Young, Natural Resource Specialist, Eastern Connecticut Conservation District
- 1-3-08 Letter from Dilaj of Datum Engineering
- 1-3-08 Set of revised plans from Datum Engineering
- 1-4-08 Memo from Gregory Padick, Director of Planning
- 1-4-08 Memo from Grant Meitzler, Assistant Town Engineer
- 1-6-08 Letter from Towne Engineering
- 1-7-08 Letter from A. Hilding

- 1-7-08 Letter from Hilding & Salario

The applicant stated that he had no further comments since the IWA record will be entered into this Hearing.

Donald Aubrey, Towne Engineering, pointed out that it would be difficult to enforce many aspects of Dilaj's plans, and restated his client's stand on the relocation of her drain pipe.

Alison Hilding, 17 Southwood Road, maintained that she has a legal right to the drain location. She added that she does not think Dilaj's proposal will lessen the impact of water on the adjacent properties, and that if a common driveway is installed and she has any problems, she will have to contact all 3 of the property owners, noting if it were a town road, she would contact only the Town.

With no further comments or questions, Plante MOVED, Lombard seconded, to close the Public Hearing at 9:08 p.m. MOTION PASSED with all in favor except Hall who disqualified himself.

#### Scheduled Business:

##### Zoning Agent's Report

Padick noted that no activity has taken place at the Hall site, and none is expected until the spring. Gardner questioned if any trailers remained, Padick noted that some have been removed but others remain.

#### Old Business:

1. Special Permit Application, Efficiency Unit, 141 Gurleyville Rd., J. Catalano, o/a File #1268

MAD: 1/23/08

Favretti appointed Alternates Beal, Lombard and Pociask to act due to member absence and for Gardner and Goodwin who disqualified themselves. Plante MOVED, Beal seconded, to deny the special permit application (file #1268) of Jeff Catalano for an efficiency unit at 141 Gurleyville Road, in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearings on 11/5/07 and 11/19/07. This denial action is taken for the following reasons:

1. Efficiency units are not permitted by right and require Special Permit approval (see Article V, Section B.1). Applicant submissions and Public Hearing testimony indicate that the subject application was submitted in order to obtain approval to increase to 6 the number of unrelated persons who may occupy the subject dwelling. Accordingly, to approve this application, the Commission must determine that all applicable regulations have been met for this intended occupancy.
2. After considering all applicant submissions and testimony, staff reports and Public Hearing testimony, the Commission has determined that many provisions of Mansfield's Zoning Regulations have not been met and that the proposal would result in health,

safety, and welfare problems. The proposed occupancy is not consistent with the intent provisions for efficiency units as specified in Article X, Section M and the proposal is not consistent with many provisions of Article I, including Sections B.1, 3, 6, 8 and 10.

3. The subject site is located in close proximity to a number of single family homes. The proposed use is expected to result in inappropriate noise, nuisance, lighting and traffic safety problems for neighboring residences. The proposal is not considered to be in compliance with Article V, Sections B.5.b, c or d, or with Article V, Sections A.5.e, f, g or j.

4. Zoning Regulations necessitate that an applicant make adequate provisions for parking in order to address vehicular and pedestrian safety and neighborhood impact approval criteria. Acceptable parking spaces must be adequately sized and appropriately located. In the subject situation, the Commission has determined that an existing parking area west of the loop driveway is unsafe due to sightline and access problems which necessitate a backing up movement onto Gurleyville Road. Furthermore, the Commission has determined that only 3 spaces along the loop driveway would meet zoning standards. The number of safe parking spaces provided are not considered adequate for the proposed use and accordingly, the proposal is not considered to be in compliance with Article I, Section B.5, Article V, Section A.5.b, e and f or Article X, Section M.2.a.3 and other sections of the Zoning Regulations related to parking and vehicular and pedestrian safety.

5. The applicant has not adequately documented that the proposed efficiency unit meets the requirements of Article X, Section M.2.a with respect to providing a safe and adequate kitchen or kitchen area for the efficiency unit. Although a portion of the submitted floor plan for the efficiency unit is labeled kitchen area, inadequate evidence was submitted to document the nature of kitchen amenities. A 2007 multiple listing for this property, indicated that the house had 1 kitchen and a wet bar in a den/study area which appears to be the efficiency unit area. There have not been any recent building permits indicating kitchen alterations have taken place and the property has not been inspected pursuant to the Town's Housing Code requirements. No interior photographs have been submitted. The provisions of Article V, Section A.5.a have not been met. MOTION PASSED with all in favor except Gardner and Goodwin who had disqualified themselves.

2. Request for Site/Use Modifications, 1029 Storrs Rd. (Stix 'n' Stones LLC, applicant/P. Hammer, owner) File #727

Item tabled, awaiting supplemental information from the applicant.

3. Request for Site Modification, Paideia Amphitheatre Project, 28 Dog Lane, File # 1049-2

Padick summarized his memo and questioned the PZC if they felt the office should informally notify the abutters of the requested modification, or should a public hearing be held at this point. By consensus, the PZC agreed that abutters should be notified, and that a public hearing not be held at this point, but that the PZC retain the right to do so if it is determined later that one is needed.

4. Subdivision Completion/Bonding update

a. Baxter Road Estates Bond Reduction Request, PZC File #1229  
Holt MOVED, Plante seconded, that based on work completed, the Planning and Zoning Commission authorizes its Chairman with staff assistance to reduce bonding requirements for Baxter Road Estates to \$7,500 plus accumulated interest. A new bond agreement shall be executed in association with this reduction. MOTION PASSED UNANIMOUSLY.

New Business:

1. Request for Certificate of Compliance, Regional School District 19 Alternative High School Project, 85 Depot Road, File # 1251  
Padick summarized his memo, Holt MOVED, Lombard seconded, that the Planning and Zoning Commission authorize the issuance of a Certificate of Compliance for the Regional School District 19 Alternative High School project on Depot Road based on the completion of health and safety components of the project and assurances referred to in an attached 1/3/08 letter from project architect, Richard Lawrence. This action does not eliminate the requirement for a certified as-built plan upon completion of all site work. This action is contingent upon the installation of railings on exterior stairways and ramps. MOTION PASSED UNANIMOUSLY.

2. Request for B.A.E. Revision, Lot 29, Wild Rose Estates Phase II, 11 Blake Lane File# 1113-3

Item was tabled consensus pending communication from neighbor.

3. Request for filing extension, Woodland Road Subdivision, Lukas, PZC File #1261  
Goodwin disqualified herself. Gardner MOVED, Hall seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Woodland Road Subdivision (File #1261). MOTION PASSED with all in favor except Goodwin who disqualified herself.

4. 2008/2009 Budget  
Padick summarized the minor changes he made to the draft budget proposal for 2008/09. The PZC unanimously agreed by consensus to the draft budget proposal.

5. PZC/IWA Packet Delivery  
Padick indicated that due to several factors, it is no longer cost effective to hand-deliver packets. He proposed mailing the packets to members, but noted that they will receive them either Friday or Saturday depending upon how quickly the office receives all the information for collation. Members expressed concern for larger packets not fitting in mail boxes, and Padick assured the members that the larger packets would be hand-delivered, noting that the office will accommodate any members who need them early for any reason on a case by case basis. The consensus of the PZC was to agree to this on a trial basis.

Reports of Officers and Committees: Favretti noted a Regulatory Review Committee Meeting, January 9, 2008 at 1:30 in Room C. Holt noted that WINCOG has moved to 700 Main Street, Willimantic.

Communications and Bills: Items were noted.

Adjournment: Favretti declared the meeting adjourned at 9:43 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary